

15541

U.S. PTO

# UTILITY PATENT APPLICATION TRANSMITTAL (Large Entity)

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
41942-05556Total Pages in this Submission  
72**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**"MONITORING PHYSIOLOGICAL PARAMETERS BASED ON VARIATIONS  
IN A PHOTOPLETHYSMOGRAPHIC SIGNAL"**

and invented by:

ANDRE DEKKER

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: 10/081,719

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: 10/081,887

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: 10/081,165

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: 10/081,168

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
  
2.  Specification having 41 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

19274 U.S.PTO

030204

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
41942-05556

Total Pages in this Submission  
72

**Application Elements (Continued)**

3.  Drawing(s) (*when necessary as prescribed by 35 USC 113*)
  - a.  Formal Number of Sheets 26
  - b.  Informal Number of Sheets \_\_\_\_\_
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7.  Application Data Sheet (See 37 CFR 1.76)
8.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
  - a.  Computer Readable Form (CRF)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9.  Assignment Papers (*cover sheet & document(s)*)
10.  37 CFR 3.73(B) Statement (*when there is an assignee*)
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Certificate of Mailing  
 First Class  Express Mail (*Specify Label No.*): EV328104817US

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

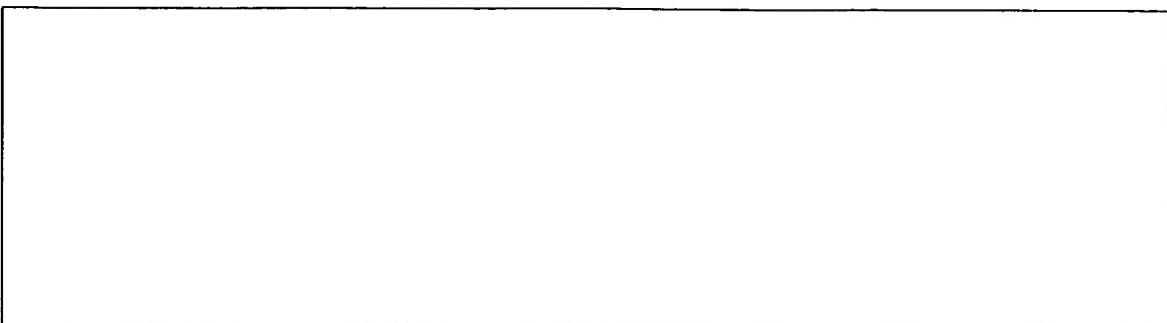
*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
41942-05556

Total Pages in this Submission  
72

**Accompanying Application Parts (Continued)**

17.  Additional Enclosures (*please identify below*):



**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

18.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

***Warning***

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Large Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
41942-05556

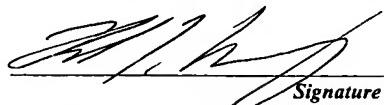
Total Pages in this Submission  
72

**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	1	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$86.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				<b>BASIC FEE</b>	<b>\$770.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$770.00</b>

- A check in the amount of **\$770.00** to cover the filing fee is enclosed.
- The Director is hereby authorized to charge and credit Deposit Account No. **50-1419** as described below.
- Charge the amount of \_\_\_\_\_ as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).



Signature

RUSSELL T. MANNING  
Registration No. 34,806  
CUSTOMER NO.: 25231  
Marsh Fischmann & Breyfogle LLP  
3151 S. Vaughn Way #411  
Aurora, Colorado 80014

Dated: **MARCH 2, 2004**

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **DEKKER**

Docket No.

**41942-05556**Serial No.  
**NOT ASSIGNED**Filing Date  
**MARCH 2, 2004**Examiner  
**NOT ASSIGNED**Group Art Unit  
**NOT ASSIGNED**Invention: **MONITORING PHYSIOLOGICAL PARAMETERS BASED ON VARIATIONS IN A  
PHOTOPILETHYSMOGRAPHIC SIGNAL**

I hereby certify that this **PATENT APP/TRANSMITTAL; 26 SHEETS DRAWINGS; CHK#5414; POSTCARD**  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: Director of the United States Patent and Trademark Office, P.O. Box  
1450, Alexandria, VA 22313-1450 on

**MARCH 2, 2004**

(Date)

**TERRI BELICH**

(Typed or Printed Name of Person Mailing Correspondence)



(Signature of Person Mailing Correspondence)

**EV328104817US**

("Express Mail" Mailing Label Number)

Note: Each paper must have its own certificate of mailing.

**MARSH FISCHMANN & BREYFOGLE LLP**

Attorneys at Law

Russell T. Manning

507 Canyon Boulevard, Suite 201

Boulder, Colorado 80302

Telephone (720) 406-0506 • Facsimile (720) 406-0520

Direct Dial (720) 562-5502

rmanning@mfblaw.com

March 2, 2004

Jim Wobermin  
Datex-Ohmeda, Inc.  
1315 West Century Drive  
Louisville, CO 80027

Re: U.S. Patent Application Entitled "Monitoring Physiological Parameters Based On Variations in a Photoplethysmographic Signal"  
Our Reference No.: 41942-05556

Dear Jim:

As per our discussion on March 1, we have filed the enclosed Continuation-In-Part Patent Application for the Dekker cases. The Application corresponds to the PCT filing for this matter. As such, this application is a continuation-in-part of each of the four Dekker applications.

We will keep you informed as the application progresses through prosecution. If you have any questions pertaining to this matter or otherwise, please do not hesitate to contact us.

Sincerely,

MARSH FISCHMANN & BREYFOGLE LLP



Russell T. Manning

RTM/tlb

Enclosures